

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB № 0930-0222

NEVADA

FFY 2006



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
www.samhsa.gov

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INTRODUCTION

The Annual Synar Report (ASR) format provides the means for States to comply with the reporting provisions of the Public Health Service Act (42 U.S.C. 300x-26) and the Tobacco Regulation for the SAPT Block Grant (45 C.F.R. 96.130 (e)).

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The OMB control number for this project is 0930-0222 with an expiration date of 08/31/2007. Public reporting burden for the collection of information is estimated to average 15 hours for Section I and 3 hours for Section II, including the time for reviewing instructions, completing and reviewing the collection of information, searching existing data sources, and gathering and maintaining the data needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to SAMHSA Reports Clearance Officer; Paperwork Reduction Project (0930-0222); 1 Choke Cherry Road, Room 7-1044, Rockville, Maryland 20857

How the Synar report helps the Center for Substance Abuse Prevention

In accordance with the tobacco regulations, States are required to provide detailed information on progress made in enforcing youth tobacco access laws (FFY 2005 Compliance Progress) and future plans to ensure compliance with the Synar requirements to reduce youth tobacco access rates (FFY 2006 Intended Use Plan). These data are required by 42 U.S.C. 300x-26 and will be used by the Secretary to evaluate State compliance with the statute. Part of the mission of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) is to assist States¹ by supporting Synar activities and providing technical assistance helpful in determining the type of enforcement measures and control strategies that are most effective. This information is helpful to SAMHSA/CSAP in improving technical assistance resources and expertise on enforcement efforts and tobacco control program support activities, including State Synar Program support services, through an enhanced technical assistance program involving conferences and workshops, development of training materials and guidance documents, and on-site technical assistance consultation.

How the Synar report can help States

The information gathered for the Synar report can help States describe and analyze sub-State needs for program enhancements. These data can also be used to report to the State legislature and other State and local organizations on progress made to date in enforcing youth tobacco access laws when aggregated statistical data from State Synar reports can demonstrate to the Secretary the national progress in reducing youth tobacco access problems. This information will also provide Congress with a better understanding of State progress in implementing Synar, including State difficulties and successes in enforcing retailer compliance with youth tobacco access laws.

¹The term State is used to refer to all the States and territories required to comply with Synar as part of the Substance Abuse Prevention and Treatment Block Grant Program requirements (42 U.S.C. 300x-64 and 45 C.F.R. 96.121).

Getting assistance in completing the Synar report

If you have questions about programmatic issues, you may call CSAP's Division of State and Community Assistance at 240-276-2570 and ask for your respective State Project Officer, or contact your State Project Officer directly by telephone or e-mail using the directory provided. If you have questions about fiscal or grants management issues, you may call the Grants Management Officer, Office of Program Services, Division of Grants Management, at 240-276-1404.

Where and when to submit the Annual Synar Report

The Annual Synar Report (ASR) must be received by SAMHSA no later than December 31, 2005. The ASR must be submitted in the **approved OMB report format**. Use of the approved format will avoid delays in the review and approval process. The chief executive officer (or an authorized designee) of the applicant organization must sign page 1 of the ASR certifying that the State has complied with all reporting requirements.

Submit one signed original of the report, one additional copy, and an electronic version on either CD-ROM or 3.5" diskette to the Grants Management Officer at the address below:

Grants Management Officer
Office of Program Services, Division of Grants Management
Substance Abuse and Mental Health Services Administration

Regular Mail:

1 Choke Cherry Road, Room 7-1091
Rockville, Maryland 20857

Overnight Mail:

1 Choke Cherry Road, Room 7-1091
Rockville, Maryland 20850

FFY 2006: FUNDING AGREEMENTS/CERTIFICATIONS

The following form must be signed by the Chief Executive Officer or an authorized designee and submitted with this application. Documentation authorizing a designee must be attached to the application.

PUBLIC HEALTH SERVICES ACT AND SYNAR AMMENDMENT
42 U.S.C. 300x-26 requires each State to submit an annual report of its progress in meeting the requirements of the Synar Amendment and its implementing regulation (45 C.F.R. 96.130) to the Secretary of the Department of Health and Human Services. By signing below, the chief executive officer (or an authorized designee) of the applicant organization certifies that the State has complied with these reporting requirements and the certifications as set forth below.
SYNAR SURVEY SAMPLING METHODOLOGY
The State certifies that the Synar survey sampling methodology on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2006 is up-to-date and approved by the Center for Substance Abuse Prevention.
SYNAR SURVEY INSPECTION PROTOCOL
The State certifies that the Synar Survey Inspection Protocol on file with the Center for Substance Abuse Prevention and submitted with the Annual Synar Report for FFY 2006 is up-to-date and approved by the Center for Substance Abuse Prevention.
State: Nevada
Name of Chief Executive Officer or Designee: Alex Haartz, M.P.H.
Signature of CEO or Designee: /s/ Alex Haartz
Title: <u>Administrator</u> Date Signed: <u>9/26/05</u>
If signed by a designee, a copy of the designation must be attached

SECTION I: FFY 2005 (Compliance Progress)**YOUTH ACCESS LAWS, ACTIVITIES, AND ENFORCEMENT**

42 U.S.C. 300x-26 requires the States to report information regarding the sale/distribution of tobacco products to individuals under age 18.

- 1. Please indicate any changes or additions to the State tobacco statute(s) relating to youth access since the last reporting year. Please attach a photocopy of the change(s) in the State law(s) if any was made since the last reporting year. (See 42 U.S.C. 300x-26)**

- a. Has there been a change in the *minimum sale age* for tobacco products?**

☐ Yes ☒ No

If Yes, current minimum age: ☐ 19 ☐ 20 ☐ 21

- b. Have there been any changes in State law that impact the State's *protocol for conducting Synar inspections*? ☐ Yes ☒ No**

If Yes, indicate change (check all that apply):

☐ Changed to require that law enforcement conduct inspections of tobacco outlets

☐ Changed to make it illegal for youth to possess, purchase or receive tobacco

☐ Changed to require ID to purchase tobacco

☐ Other change(s) (please describe): _____

- c. Have there been any changes in the law concerning *vending machines*?**

☐ Yes ☒ No

If Yes, indicate change (check all that apply):

☐ Total ban enacted

☐ Banned from location(s) accessible to youth

☐ Locking device or supervision required

☐ Other change(s) (please describe): _____

- d. Have there been any changes in State law that impact the following?**

Licensing of tobacco vendors ☐ Yes ☒ No

Penalties for sales to minors ☐ Yes ☒ No

- 2. Describe how the Annual Synar Report (see 45 C.F.R. 96.130(e)) and the State Plan (see 42 U.S.C. 300x-51) were made public within the State. (Check all that apply)**

☐ Placed on file for public review

☒ Posted on a State agency Web site (Specify Web site location: <http://health2k.state.nv.us/BADA/>)

☒ Notice published in a newspaper or newsletter

☒ Public hearing

☐ Announced in a news release, a press conference, or discussed in a media interview

- ☒ Distributed for review as part of the SAPT Block Grant application process
- ☐ Distributed through the public library system
- ☐ Published in an annual register
- ☒ Other change(s) (*please describe*): The Annual Synar Report was presented in a hearing on September 22, 2005. Advanced notice of this hearing was placed in various newspapers around the state and notice of the hearing was placed in four public places as per the Nevada Administrative Procedures Act. The report was sent to members of the Bureau of Alcohol and Drug Abuse Advisory Committee in advance of the September 22, 2005 meeting and was placed on the Bureau's Web site: <http://health2k.state.nv.us/BADA/>. Finally, notice was sent to all members of the State Incentive Grant (SIG) Advisory Committee and all substance abuse treatment and prevention programs funded by the Bureau of Alcohol and Drug Abuse.

3. Identify the following agency or agencies. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

a. The State agency(s) designated by the Governor for oversight of the Synar requirements:

The Nevada Department of Health and Human Services, State Health Division, Bureau of Alcohol and Drug Abuse (BADA).

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

b. The State agency(s) responsible for conducting random, unannounced Synar inspections:

The Nevada Department of Justice, Office of the Attorney General.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

c. The State agency(s) responsible for enforcing youth tobacco access law(s):

The Nevada Department of Justice, Office of the Attorney General is responsible for the enforcement of state tobacco laws governing the sale of tobacco to minors. Attorney General Staff assigned to these enforcement activities include the Tobacco Chief Counsel (one-half time), two investigators (each full time), one management assistant, and eight youths (each part time). The Attorney General's Office conducts uniform compliance checks at all tobacco outlets, which are accessible to youth, across the State. This uniformity assures that all businesses are treated equitably and ensures program benefits are received throughout the State. This practice also assures that no outlet or group of outlets perceives they are being targeted. Local law enforcement agencies have concurrent authority over the sale of tobacco to minors, although they do not carry out unannounced compliance checks to enforce youth access laws.

Has this changed since last year's Annual Synar Report? ☐ Yes ☒ No

4. Identify the State agency(s) responsible for tobacco prevention control activities.

BADA is responsible for the implementation of the Synar prevention and control regulations in partnership with the Nevada Department of Justice, Office of the Attorney General. Additionally, collaborative arrangements exist with other public programs related to tobacco prevention which are described under section a. of this question.

Has the responsible agency changed since last year's Annual Synar Report?

☐ Yes ☒ No

a. Describe the coordination and collaboration that occur between the agency responsible for tobacco control and the agency responsible for oversight of the Synar requirements. The two agencies (check all that apply):

- ☐ Are the same
- ☐ Have a formal written memorandum of agreement
- ☐ Have an informal partnership
- ☒ Conduct joint planning activities
- ☒ Combine resources
- ☒ Have other collaborative arrangement(s) (*please describe*): In addition to having an Interlocal Agreement with the Nevada Department of Justice, Office of the Attorney General, who manages and completes Synar inspections, BADA is the Single State Agency for the SAPT Block Grant. Consequently, there is significant coordination and collaboration between the Bureau and the primary prevention programs it funds. Additionally, BADA works closely with the Center for Disease Control and Prevention (CDC) funded Tobacco Control Project. Like BADA, that program is also housed in the Nevada State Health Division. The goals of the Tobacco Control Project are to: prevent the initiation of tobacco use among young people; promote quitting among young people and adults; eliminate nonsmokers' exposure to environmental tobacco smoke; and to identify and eliminate the disparities related to tobacco use and its effects among different population groups.

BADA is also a member of the Nevada Tobacco Prevention Coalition (NTPC) having joined the coalition in 2001. NTPC is a coalition of agencies and individuals determined to fight the high prevalence of tobacco use in Nevada. NTPC is committed to informing Nevada's decision makers and raising awareness with Nevada citizens of numerous issues related to tobacco use and industry marketing. This coalition is also actively involved in coordinating prevention activities with state and community agencies, hospitals, schools, and community-based organizations. They believe that a focus on youth and a tobacco free environment will produce a healthier Nevada.

Four major programs were established by the State of Nevada with the tobacco settlement money. First, the Millennium Scholarship provides tuition assistance to Nevada youth who maintain a slightly better than "B" average throughout high school. Second, the prescription insurance plan subsidizes prescription costs of senior citizens living below a certain income level. Third, 10% of the tobacco settlement money is allocated to a public health trust fund to promote public health

and programs for disease or illness prevention, research issues related to public health, and provide direct health care services to children and senior citizens. Fourth, the *Task Force for The Fund for a Healthy Nevada* was established to: solicit public input; establish a process to evaluate health needs; ensure that tobacco cessation programs are funded; ensure that programs for children, people with disability, and senior citizens are funded; ensure that tobacco settlement money is not used to supplant existing methods of funding; and to develop policies for distribution of grants.

The State of Nevada was awarded a State Incentive Grant (SIG) providing \$3,000,000 per year for FFY 2003 through FFY 2005. BADA plans to continue SIG funding via no cost extensions through FFY 2007 in order to complete the goals and objectives of the grant award. Nevada is using this grant to facilitate the development of 13 local coalitions in 11 geographic areas and two special populations (Latino in Southern Nevada and Statewide Native American). These coalitions will serve as regional prevention centers to develop and implement local comprehensive community prevention plans, and to identify and fund evidence-based programs that fill service gaps without duplicating existing services.

5. Please answer the following questions regarding the State's activities to enforce the youth access to tobacco law(s) in FFY 2005. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130(e))

a. Which one of the following describes the enforcement of youth access to tobacco laws carried out in your State? (Check one category only)

- ☐ Enforcement is conducted exclusively by local law enforcement agencies.
- ☒ Enforcement is conducted exclusively by State agency(s).
- ☐ Enforcement is conducted by both local and State agencies.

b. The following items concern penalties imposed for violations of youth access to tobacco laws by LOCAL AND/OR STATE LAW ENFORCEMENT AGENCIES. Please fill in the number requested or indicate if these data are unavailable or the item is not applicable.

The Attorney General's Office conducted 3,440 compliance checks in addition to the 548 Synar compliance checks, for a total of 3,988 inspections between 10/1/04 and 7/25/05. These 3,988 inspections resulted in 3,726 completed checks of which 440 were found to be non-compliant; thus, resulting in an overall buy rate of 11.8% for all compliance checks made during the period. Of the 440 illegal sales, there were 369 citations issued, 42 warnings given, and 29 which did not receive either a citation or warning for various reasons. All citations were issued to the person who made the sale of tobacco to the under age youth and were misdemeanor criminal charges. Of the 440 illegal sales; 324 clerks asked for identification only, 1 requested age but no identification, 7 asked for identification and also asked the youth their age, and 108 requested neither.

Annualizing data from 10/1/04 to 7/25/05, it is projected the Attorney General's Office will conduct a total of approximately 5,000 compliance checks by the end of

FFY 2005. The Attorney General's office has been conducting compliance inspections twice per year at every retail outlet in the Synar database. Out of these 5,000 compliance inspections to be completed in FFY 2005, it is estimated that there will be a total of 550 illegal sales, resulting in 460 citations and 50 warnings.

Currently, the Attorney General's Office receives disposition results pursuant to procedures of various courts, and not all courts provide disposition results to the Attorney General's Office. Therefore, it has been necessary for the Attorney General's Office to research various court records to obtain available disposition results. The Tobacco Unit has initiated a new procedure whereby the tobacco investigator who issues the citation will obtain the disposition from the court; it is anticipated this procedure will result in a complete inventory of disposition results for FFY 2006.

The following table details the disposition results for 316 citations. Between 10/1/04 and 7/25/05 there were a total of 369 citations² issued, so the citations listed in the table represent approximately 86% of total citations issued.

PENALTY	NOT APPLICABLE	NOT AVAILABLE	TOTAL	If Available	
				OWNERS	CLERKS
Number of <u>citations issued</u>			316		316
Number of <u>finest assessed</u> ³		<input type="checkbox"/>	71		71
Number of <u>permits/licenses suspended</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Number of <u>permits/licenses revoked</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
<i>Other</i> (please describe): Dismissed by Court ⁴			78		78
Pending for Failure to Appear, New Court Date, and Sentencing			55		55
Lost in System / No Court Records			46		46
Warrant Issued			32		32
Suspend sentencing if attend the WE CARD Internet Class			18		18
Fine / Sentence Suspended			12		12
Jail Time / Community Service			4		4

² The number of citations issued (pulled from the Synar database) is higher than the number of disposition results in the table because there were still a number of citations issued during the reporting period that had not made it to court as of the date data was collected.

³ There were an additional 33 fines and/or bail levied which were secondary to the primary court action and were not included in the 71 fines reported.

⁴ Dismissals typically occurred after defendants obeyed all related laws for a reasonable period of time (typically 60 to 360 days) and met other requirements required by the court.

c. What additional activities are conducted in your State to support enforcement and compliance with State tobacco access law(s)? (Check all that apply)

- ☒ Merchant education and/or training
- ☒ Incentives for merchants who are in compliance (e.g., Reward and Reminder)
- ☐ Community education regarding youth access laws
- ☒ Media use to publicize compliance inspection results
- ☐ Community mobilization to increase support for retailer compliance with youth access laws
- ☐ Other activities (please list): _____

Briefly describe all checked activities:

Merchant Education

Nevada law requires that, after a retail outlet is investigated, a written report of each compliance check be mailed to that particular retailer. The cover letter that accompanies every report encourages on-going training and includes the toll free telephone number for the WE CARD program. A merchant education flyer is sent along with the report. The flyer sent during FFY 2005 was an "Employee's Pledge" whereby the employee pledged to an ongoing commitment to responsible tobacco retailing.

In March, 2005, Chief Tobacco Counsel Vicky Thimmesh Oldenburg attended the Responsible Retailing Forum in Santa Fe, New Mexico. The three day program consisted of an Attorney General workshop with national retail chains, and several presentations on various issues, including point-of sales, the Responsible Retailing Systems Project, responsible retailing and corporate responsibility, State responsible retailing systems, and the application of Social Norms Marketing Principles to responsible retailing.

State Attorneys General, including the Nevada Attorney General, have executed several agreements entitled "Assurance of Voluntary Compliance" (AVC) with major retail chains. Combined, the agreements cover nearly 50,000 retail outlets across the nation. The AVC's cover all Wal-Mart, Walgreens and Rite Aid stores, and all gas stations and convenience stores operating under the Exxon, Mobil, BP, ARCO and Amoco brand names. Launched in 2000, the multi-state enforcement effort by a group of Attorneys General focuses on retailers with poor records of selling tobacco products to minors. The enforcement program's goal is to secure the companies' agreement to take specific corrective actions. The agreements incorporate "best practices" to reduce tobacco sales to minors, which were developed by the Attorneys General in consultation with researchers and state and federal tobacco control officials.

This year, an AVC was executed among several Attorney Generals, including Nevada Attorney General Brian Sandoval, and 7-Eleven. The 7-Eleven AVC is the seventh AVC produced by this ongoing, multi-state enforcement effort. Under the 7-Eleven AVC, the nation's largest seller of tobacco products will implement new procedures to reduce such

sales to minors at its 197 Nevada stores, and 5,125 outlets in 33 other states and Washington D.C.

The AVC requires that 7-Eleven do the following at all company-owned stores:

- Check the ID of any person purchasing tobacco products when the person appears to be under the age of 27, and accept only valid government-issued photo ID as proof of age.
- Prohibit self-service displays of tobacco products, the use of vending machines to sell tobacco products, distribution of free samples, sale of cigarette look-alike products, and the sale of smoking paraphernalia to minors.
- Hire an independent entity to conduct random compliance checks of 900 7-Eleven stores annually in the signing states.
- Restrict in-store advertising of tobacco products adjacent to products popular with minors and outdoor and outward-facing advertising within 500 feet of schools and playgrounds.
- Train employees on state and local laws and company policies regarding tobacco sales to minors, including explaining the health-related reasons for laws that restrict youth access to tobacco.

7-Eleven will also take steps to effect compliance by its franchisees with the provisions of the agreement and state laws concerning tobacco products.

The Nevada Attorney General reports violations to the corporate offices of all those corporations that signed AVC's so that the corporation may take action if the franchisee failed to report the violation(s). The AVC's are a positive and effective step towards precluding the sale of tobacco to minors.

The Attorney General continues to offer corporations owning multiple outlets the opportunity to receive a copy of the compliance check results by FAX rather than by USPS mail. This program continues to be popular, hence it has been extended to all stores. Receiving the results of compliance checks by FAX rather than mail speeds up notification, and it is anticipated that early notification assists the retailer in preventing future violations.

Merchant Incentives

The Attorney General's Office sends out congratulatory letters to all outlets that do not sell to minors during compliance checks. In addition, when a retail clerk does not sell to underage youth, the investigator presents the clerk with a WE CARD congratulatory card and lapel pin.

In addition, the Attorney General's Office provides Philip Morris and Lorillard with a monthly report of stores which had clerks cited for illegal tobacco sales. The reports are used by the companies to withhold retail benefits from individual stores for a future

designated month. Because the withheld benefits can be up to \$2,000 per month, it is believed there is an incentive for the retailers to provide proper training for their clerks.

Media Use

A press release was issued when the 7-Eleven AVC was signed. The press release generated a great deal of media, including a television interview with Chief Tobacco Counsel Vicky Thimmesch Oldenburg regarding the Attorney General's enforcement efforts to prevent the sale of tobacco to minors, and the BADA Grant. The press release was also used as an opportunity to provide community education on Nevada's retail tobacco enforcement program.

The Nevada Attorney General is responsible for ensuring compliance with the Master Settlement Agreement (MSA), which includes provisions concerning youth smoking. Generally, press releases regarding the MSA will contain information and statistics on the retail tobacco enforcement program.

SYNAR SURVEY METHODS AND RESULTS

The following questions pertain to the survey methodology and results of the Synar survey used by the State to meet the requirements of the Synar Regulation in FFY 2005. (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130)

6. Has the sampling methodology changed from the previous year?

☐ Yes ☒ No

The State is required to have an approved up-to-date description of the Synar sampling methodology on file with CSAP. Please submit a copy of your Synar Survey Sampling Methodology (Appendix B). If the sampling methodology changed from the previous reporting year, these changes must be reflected in the methodology submitted.

7. Please answer the following questions regarding the State's annual random, unannounced inspections of tobacco outlets. (See 45 C.F.R. 96.130(d)(2))

a. Did the State use the optional Synar Survey Estimation System (SSES) to analyze the Synar survey data?

☒ Yes ☐ No

If Yes, attach SSES summary tables 1, 2, 3 and 4 and go to Question 8.

If No, continue to Question 7b.

b. Report the weighted and unweighted Retailer Violation Rate (RVR) estimates, and the standard error.

Unweighted RVR

Weighted RVR

Standard error (s.e.) of the (weighted) RVR _____

Fill in the blanks to calculate the right limit of the right-sided 95% confidence interval.

$$\frac{\text{RVR Estimate}}{\text{Standard Error}} + \frac{(1.645 \times \text{Standard Error})}{(1.645 \text{ times})} = \text{Right Limit}$$

- c. **Fill out Form 1 in Appendix A (Forms).** (*Required regardless of the sample design*)
- d. **How were the (weighted) RVR estimate and its standard error obtained?**
(*Check the one that applies*)
- ☐ Form 2 (Optional) in Appendix A (Forms) (*Attach completed Form 2*)
- ☐ Other (*Please specify. Provide formulae and calculations or attach and explain the program code and output with description of all variable names.*)
- e. **If stratification was used, did any strata in the sample contain only one outlet or cluster this year?**
- ☐ Yes ☐ No ☐ No stratification

If Yes, explain how this situation was dealt with in variance estimation.

- f. **Was a cluster sample design used?**

☐ Yes ☐ No

If No, go to Question 7g.

If Yes, fill out and attach Form 3 in Appendix A (Forms), and answer the following question:

Were any certainty primary sampling units selected this year?

☐ Yes ☐ No

If Yes, explain how the certainty clusters were dealt with in variance estimation.

g. Report the following outlet sample sizes for the Synar survey.

	Sample Size
Effective sample size (sample size needed to meet the SAMHSA precision requirement assuming simple random sampling)	
Target sample size (the product of the effective sample size and the design effect)	
Original sample size (inflated sample size of the target sample to counter the sample attrition due to ineligibility and non-completion)	
Eligible sample size (number of outlets found to be eligible in the sample)	
Final sample size (number of eligible outlets in the sample for which an inspection was completed)	

h. Fill out Form 4 in Appendix A (Forms).**8. Did the State's Synar survey use a list frame?**☒ Yes ☐ No*If Yes, answer the following questions about its coverage:***a. The calendar year of the latest frame coverage study:** 2005**b. Percent coverage from the latest frame coverage study:** 99**c. Was a new study conducted in this reporting period?** ☒ Yes ☐ No*If Yes, please complete Appendix D (List Sampling Frame Coverage Study) and submit it with the Annual Synar Report.***d. The calendar year of the next coverage study planned:** 2006**9. Has the Synar survey inspection protocol changed from the previous year?**☐ Yes ☒ No*The State is required to have an approved up-to-date description of the Synar inspection protocol on file with CSAP. Please submit a copy of your Synar Survey Inspection Protocol (Appendix C). If the inspection protocol changed from the previous year, these changes must be reflected in the protocol submitted.***a. Provide the inspection period:** **From:** 10/01/04 **To:** 07/25/05
MM/DD/YY MM/DD/YY**b. Provide the number of youth inspectors used in the current inspection year:** 10**c. Fill out and attach Form 5 in Appendix A (Forms).** *(Not required if the State used the Synar Survey Estimation System (SSES) to analyze the Synar survey data)*

SECTION II: FFY 2006 (Intended Use):

Public law 42 U.S.C. 300x-26 of the Public Health Service Act and 45 C.F.R. 96.130 (e) (4, 5) require that the States provide information on future plans to ensure compliance with the Synar requirements to reduce youth tobacco access.

1. In the upcoming year, does the State anticipate any changes in the:

Synar sampling methodology ☐ Yes ☒ No

Synar inspection protocol ☐ Yes ☒ No

If changes are made in either the Synar sampling methodology or the Synar inspection protocol, the State is required to obtain approval from CSAP prior to implementation of the change and file an updated Synar Survey Sampling Methodology (Appendix B) or an updated Synar Survey Inspection Protocol (Appendix C), as appropriate.

2. Please describe the State's plans to maintain and/or reduce the retailer violation rate for Synar inspections to be completed in FFY 2006. Include a brief description of plans for law enforcement efforts to enforce youth tobacco access laws, activities that support law enforcement efforts to enforce youth tobacco access laws, and any anticipated changes in youth tobacco access legislation or regulation in the State.

During the 2005 Legislative Session, Assembly Bill (AB) 464 was enacted. AB 464 made various changes to Nevada laws related to the sale, delivery and taxation of cigarettes. Of particular note, it is now illegal to cause the mailing or shipment of cigarettes in connection with an order for a delivery sale, unless the person accepting the order first confirms that the prospective purchaser understands that signing another person's name to such certification is illegal, and that sales of cigarettes to children under 18 years of age are illegal. AB 464 further requires that the person accepting the order send to the prospective purchaser a notice which includes a prominent and clearly legible statement that the sale of cigarettes to children under 18 years of age is illegal.⁵

In addition, AB 464 requires that a person who causes the mailing or shipment of cigarettes in connection with an order for a delivery sale to include, as part of the shipping documents, a clear and conspicuous statement providing:

“DELIVERY SALE OF CIGARETTES: NEVADA LAW PROHIBITS SHIPPING TO CHILDREN UNDER 18 YEARS OF AGE AND REQUIRES THE PAYMENT OF ALL APPLICABLE TAXES.”

Finally, AB 464 provides that, when delivering a shipping container in connection with a delivery sale, a delivery service shall require proof, in the form of valid identification that was issued by a governmental entity and bears a photograph of the person who signs to

⁵ A “delivery sale” means any sale of cigarettes, whether the seller is located within or outside of the borders of this State, to a consumer in this State for which: (1) the purchaser submits the order for the sale by means of a telephonic or other method of voice transmission, the mail or any other delivery service, or the Internet or any other on-line service; or (2) the cigarettes are delivered by mail or the use of another delivery service.

accept delivery of the shipping container, demonstrating that, if the person appears to be under 27 years of age, that the person is at least 18 years of age. A person who knowingly violates any of these provisions, in addition to being liable for civil penalties, is guilty of a category C felony, punishable by imprisonment of not less than 1 year and a maximum term of not more than 5 years and a fine of up to \$10,000. It is anticipated that the provision of AB 464 will preclude the sale of tobacco to minors via the Internet or other means.

The Attorney General continues to review internal procedures and practices to strengthen the retail tobacco enforcement program. In addition, the Attorney General's Office is in the process of developing a comprehensive list of businesses that may have cigarette vending machines, or that may sell tobacco products as a sideline, such as bowling centers and golf courses. Once the list is complete and locations are verified, the Attorney General's Office will send a letter to the businesses outlining Nevada's law on vending machines. In the interim, the tobacco investigators continue to investigate businesses to ensure that all cigarette vending machines are placed in adult only areas.

3. Describe any challenges the State faces in complying with the Synar regulation. (Check all that apply)

- ☐ Limited resources for law enforcement of youth access laws
- ☐ Limited resources for activities to support enforcement and compliance with youth tobacco access laws
- ☐ Limitations in the State youth tobacco access laws
- ☐ Limited public support for enforcement of youth tobacco access laws
- ☐ Limitations on completeness/accuracy of list of tobacco outlets
- ☐ Limited expertise in survey methodology
- ☐ Laws/regulations limiting the use of minors in tobacco inspections
- ☐ Difficulties recruiting youth inspectors
- ☒ Geographic, demographic, and logistical considerations in conducting inspections
- ☐ Cultural factors (e.g., language barriers, young people purchasing for their elders)
- ☐ Issues regarding sources of tobacco under tribal jurisdiction
- ☐ Other challenges (please list): _____
- ☐ No challenges (please explain): _____

Briefly describe all items checked above:

Nevada is geographically a large state that is sparsely populated outside of its main metropolitan centers in the north and south. As such, costs per inspection due to travel are relatively high, particularly in outlying areas. Weather and out of state travel pose additional management concerns in trying to get to those outlying areas as well. However, the logistical considerations faced in completing the Synar checks are no different than those typical to many other State run programs.

APPENDIX A: FORMS

SSES Table 1 (Synar Survey Estimates and Sample Sizes)

CSAP-SYNAR REPORT

State	Nevada
Federal Fiscal Year (FFY)	2006
Date	9/26/2005 11:32
Data	SSES Export.XLS
Analysis Option	Stratified SRS with FPC

Estimates

Unweighted Retailer Violation Rate	14.4%
Weighted Retailer Violation Rate	14.4%
Standard Error	1.3%
Is SAMHSA Precision Requirement met?	YES
Right-sided 95% Confidence Interval	[0.0%, 16.6%]
Two-sided 95% Confidence Interval	[11.7%, 17.0%]
Design Effect	1.0
Accuracy Rate (unweighted)	91.8%
Accuracy Rate (weighted)	91.8%
Completion Rate (unweighted)	98.2%

Sample Size for Current Year

Effective Sample Size	431
Target (Minimum) Sample Size	548
Original Sample Size	548
Eligible Sample Size	503
Final Sample Size	494
Overall Sampling Rate	27.7%

SSES Table 2 (Synar Survey Results by Stratum and by OTC/VM)

STATE: Nevada
FFY: 2006

Samp. Stratum	Var. Stratum	Outlet Frame Size	Estimated Outlet Population Size	Number of PSU Clusters Created	Number of PSU Clusters in Sample	Outlet Sample Size	Number of Eligible Outlets in Sample	Number of Sample Outlets Inspected	Number of Sample Outlets in Violation	Retailer Violation Rate(%)	Standard Error(%)
All Outlets											
1	1	1,946	1,786	N/A	N/A	548	503	494	71	14.4%	
Total		1,946	1,786			548	503	494	71	14.4%	1.3%
Over the Counter Outlets											
1	1	1,946	1,786	N/A	N/A	548	503	494	71	14.4%	
Total		1,946	1,786			548	503	494	71	14.4%	1.3%
Vending Machines											
1	1	0	0	N/A	N/A	0	0	0	0	0.0%	
Total		0	0			0	0	0	0	0.0%	0.0%

SSES Table 3 (Synar Survey Sample Tally Summary)

STATE: Nevada
FFY: 2006

Disposition Code	Description	Count	Subtotal
EC	Eligible and inspection complete outlet	494	
Total (Eligible Completes)			494
N1	In operation but closed at time of visit	0	
N2	Unsafe to access	9	
N3	Presence of police	0	
N4	Youth inspector knows salesperson	0	
N5	Moved to new location but not inspected	0	
N6	Drive thru only/youth inspector has no drivers license	0	
N7	Tobacco out of stock	0	
N8	Run out of time	0	
N9	Other noncompletion	0	
Total (Eligible Noncompletes)			9
I1	Out of Business	21	
I2	Does not sell tobacco products	3	
I3	Inaccessible by youth	0	
I4	Private club or private residence	0	
I5	Temporary closure	21	
I6	Unlocatable	0	
I7	Wholesale only/Carton sale only	0	
I8	Vending machine broken	0	
I9	Duplicate	0	
I10	Other ineligibility	0	
Total (Ineligibles)			45
Grand Total			548

SSES Table 4 (Synar Survey Inspection Results by Youth Inspector Characteristics)

STATE: Nevada

FFY: 2006

Frequency Distribution

Gender	Age	Number of Inspectors	Attempted Buys	Successful Buys
Male	14	0	0	0
	15	1	13	2
	16	2	117	11
	17	2	121	25
	18	0	0	0
	Subtotal	5	251	38
Female	14	0	0	0
	15	2	36	5
	16	1	54	2
	17	3	153	26
	18	0	0	0
	Subtotal	6	243	33
Other		0	0	0
Grand Total		11	494	71

Buy Rate in Percent by Age and Gender

Age	Male	Female	Total
14	0.0%	0.0%	0.0%
15	15.4%	13.9%	14.3%
16	9.4%	3.7%	7.6%
17	20.7%	17.0%	18.6%
18	0.0%	0.0%	0.0%
Other			0.0%
Total	15.1%	13.6%	14.4%

Note: Only eight youth inspectors are employed at one time. Due to age changes and youth inspector turnover during the period, 10 youth inspectors were actually used during the reporting period. Additionally, one of the youth inspectors turned 17 and is counted in both the 16 and 17 age groups bringing the total shown in the table above to 11.

APPENDIX B

STATE: Nevada
FFY: 2006

SYNAR SURVEY SAMPLING METHODOLOGY

1. What type of sampling frame is used?

- ☒ List frame *(Go to Question 2)*
☐ Area frame *(Go to Question 3)*
☐ List-assisted area frame *(Go to Question 2)*

2. List all sources of the list frame. Indicate the type of source from the list below. Provide a brief description of the frame source. Explain how the lists are updated (method), including how new outlets are identified and added to the frame. In addition, explain how often the lists are updated (cycle). *(After completing this question, go to Question 4)*

Use the corresponding number to indicate Type of Source in the table below:

- | | |
|---|--|
| 1 – Statewide commercial business list | 4 – Statewide retail license/permit list |
| 2 – Local commercial business list | 5 – Statewide liquor license/permit list |
| 3 – Statewide tobacco license/permit list | 6 – Other |

Name of Frame Source	Type of Source	Description	Updating Method and Cycle
Synar Database	6	MS Access Relational Database: Every outlet selling tobacco products and that is accessible to youth throughout the state is identified during compliance inspections.	Every outlet selling tobacco products is inspected at least twice per year for compliance. As inspectors conduct their inspections, they identify and inspect new establishments. This information is continuously fed into the frame database for updates.

3. If an area frame is used, describe how area sampling units are defined and formed.

- a. Is any area left out in the formation of the area frame?** ☐ Yes ☐ No

If Yes, what percentage of the State's population is not covered by the area frame?

_____ %

4. **Federal regulation requires that vending machines be inspected as part of the Synar survey. Are vending machines included in the Synar survey?**

☐ Yes ☒ No

If No, please indicate the reason they are not included in the Synar survey.

☐ State law bans vending machines

☒ State law bans vending machines from locations accessible to youth

☐ State has SAMHSA approval to exempt vending machines from the survey

☐ Other (please describe): _____

5. **Which category below best describes the sample design? (Check only one)**

☐ **Census** (STOP HERE: Appendix B is complete)

Unstratified State-wide sample:

☒ Simple random sample (go to Question 9)

☐ Systematic random sample (go to Question 6)

☐ Single-stage cluster sample (go to Question 8)

☐ Multi-stage cluster sample (go to Question 8)

Stratified sample:

☐ Simple random sample (go to Question 7)

☐ Systematic random sample (go to Question 6)

☐ Single-stage cluster sample (go to Question 7)

☐ Multi-stage cluster sample (go to Question 7)

☐ **Other** (please describe and go to Question 9): _____

6. **Describe the systematic sampling methods.** (After completing Question 6, go to Question 7 if stratification is used. Otherwise go to Question 9.)

7. Provide the following information about stratification

a. Provide a full description of the strata that are created.

b. Is clustering used within the stratified sample?

☐ **Yes** (go to Question 8)

☐ **No** (go to Question 9)

8. Provide the following information about clustering

a. Provide a full description of how clusters are formed. *(If multi-stage clusters are used, give definitions of clusters at each stage.)*

b. Specify the sampling method (simple random, systematic, or probability proportional to size sampling) for each stage of sampling and describe how the method(s) is (are) implemented.

9. Provide the formulae for determining the effective, target, and original outlet sample sizes.

The SSES Sample Size Calculator was used to determine the minimum adequate sample size. To ensure the study meets SAMHSA's precision requirement, a safety margin of 20% was used.

When using SSES sample size calculator, the formula shown on the next page is used for calculating a sample size using a two tail test:

Effective sample size:

$$n_e = \frac{1}{\left(\frac{(0.0153)^2}{P(1-P)} + \frac{1}{N} \right)}.$$

where P is the violation rate, 0.0153 is the standard error of the estimate for 3% margin of error for two-sided confidence interval, and N is the total number of outlets in the sampling frame.

The target sample size (n_t) is the same as the effective sample size for simple random sampling.

The original sample size is determined by:

$$n_o = (1 + s) \frac{n_t}{r_l r_c},$$

where s is a safety margin, r_l is the expected eligibility rate, and r_c is the expected completion rate.

APPENDIX C

STATE: Nevada

FFY: 2006

SYNAR SURVEY INSPECTION PROTOCOL

Note: Attach a copy of the inspection form and protocol used to record the inspection result.

1. How does the State Synar survey protocol address the following?

a. Consummated buy attempts?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

b. Youth inspectors to carry ID?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

c. Adult inspectors to enter the outlet?

- | | |
|---|--|
| <input type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input checked="" type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

d. Youth inspectors to be compensated?

- | | |
|--|--|
| <input checked="" type="checkbox"/> Required | <input type="checkbox"/> Not Permitted |
| <input type="checkbox"/> Permitted under specified circumstances | <input type="checkbox"/> Not specified in protocol |

2. Identify the agency(s) or entity(s) that actually conduct the random, unannounced Synar inspections of tobacco outlets. (Check all that apply)

- ☒ Law enforcement agency(s)
☐ State or local government agency(s) other than law enforcement
☐ Private contractor(s)
☐ Other

List the agency name(s): Nevada Department of Justice, Office of the Attorney General

3. Are Synar inspections combined with law enforcement efforts (i.e., do law enforcement issue warnings or citations to retailers found in violation of the law at the time of the inspection)?

- ☒ Always ☐ Usually ☐ Sometimes ☐ Rarely ☐ Never

4. Describe the methods used to recruit, select, and train youth inspectors and adult supervisors.

The Nevada Attorney General's Office generally employs eight youth inspectors (four in Southern Nevada and four in Northern Nevada). They are recruited through various means including high school counselors and law enforcement scouting groups. Only eight youth may be employed at one time. The ages of the youth range from 15 years of age to 17 ½ years of age. Great care is taken to select youth whose appearance fits the age criteria. Once a new youth hire has been fully trained and has a grasp of the compliance check protocol, the new youth hire accompanies an experienced youth employee and an investigator in the field where purchase attempts are observed first hand by the new hire.

The Attorney General's Office also employs two full time investigators (one in Southern Nevada and one in Northern Nevada) who supervise the youth in conducting the compliance checks. The investigators are Nevada POST certified law enforcement officers. To recruit investigators, the Attorney General's Office Investigation Division seeks internal as well as external candidates. Complete background checks are completed for all viable candidates.

5. Are there specific legal or procedural requirements instituted by the State to address the issue of youth inspectors' immunity when conducting inspections?

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☐ Yes ☒ No (If Yes, please describe):

6. Are there specific legal or procedural requirements instituted by the State to address the issue of the safety of youth inspectors during all aspects of the Synar inspection process?

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☒ Yes ☐ No (If Yes, please describe):

When possible, investigators are required to accompany the youths into the stores where tobacco is sold. In addition, investigators are directed not to conduct an inspection if they observe any law enforcement activity or any activity that may be a threat to the safety of the youth (e.g. illegal drug purchases). Furthermore, the WE CARD congratulatory card and lapel pin are not distributed if there is any possible threat to the safety of the underage youth.

7. Are there any other legal or procedural requirements the State has regarding how inspections are to be conducted (e.g., age of youth inspector, time of inspections, training that must occur)?

a. Legal ☐ Yes ☒ No (If Yes, please describe):

b. Procedural ☒ **Yes** ☐ **No** (If Yes, please describe):

Fifteen, sixteen, and seventeen year old minors are used to conduct compliance checks; minors younger than fifteen and older than 17 are not used. Fifteen year old minors may not work outside the hours of 7:00 a.m. to 7:00 p.m.

Below is a copy of the Tobacco Compliance Check form used to collect data at inspection. The form is based on current procedures.

**Office of the Attorney General
Tobacco Compliance Check**

☐ Pending DB Addition

Retailer Information

Unique ID:

Prior Inspection:

Prior Inspection Results

Status:

Please check the appropriate box for the business classification:				
<input type="checkbox"/> Gen Merch	<input type="checkbox"/> SM/Grocery	<input type="checkbox"/> Conven	<input type="checkbox"/> Conv/Gas	<input type="checkbox"/> Gas
<input type="checkbox"/> Drug	<input type="checkbox"/> Tobacco	<input type="checkbox"/> Other		
<hr/>				
<input type="checkbox"/> Does Not Sell Tobacco	<input type="checkbox"/> Business Temporarily Closed	<input type="checkbox"/> Out of Business	<input type="checkbox"/> Unsatisfactory Conditions	
<input type="checkbox"/> Vending Machine	<input type="checkbox"/> Vending Machine Removed	<input type="checkbox"/> Not Allowed		
If the retailer information is not correct, please check the appropriate box(es):				
<input type="checkbox"/> Business Name Change		<input type="checkbox"/> Owner Change		<input type="checkbox"/> Address Change
Date of Check:	Time of Check (Military):	Minor ID:	Minor's Initials:	
Result of minor's attempt to purchase tobacco product:				
ID Requested:	Age Asked:	Sale Completed:	Minor's Age:	Minor's DOB:
<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No		
Retail Clerk:	Retail Clerk's Name:	Retail Clerk's Position:	Register Location:	
<input type="checkbox"/> Male <input type="checkbox"/> Female				
Prior Inspection Citation: <input type="checkbox"/> Yes <input type="checkbox"/> No				
If Yes, clerk name:				
Officer witnessed transaction?		Attempted purchase item:		
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Cigarettes <input type="checkbox"/> Smokeless Tobacco <input type="checkbox"/> Other		
Officer's signature		Officer's name (please print)		
<hr/>				
Additional Comments				

If sale completed, follow Evidence Collection Procedures.

Office of the Attorney General, Tobacco Compliance and Enforcement Unit
December 2004

APPENDIX D

STATE: Nevada
FFY: 2006

List Sampling Frame Coverage Study *(LIST FRAME ONLY)*

1. Calendar year of the coverage study: 2005

2. Percent coverage found: 99 %

(Provide calculation of the percent coverage)

$$1934 / 1946 = 99\%$$

3. Provide a description of the coverage study methods and results.

Every outlet selling tobacco products and that is accessible to youth is inspected a minimum of twice per year. As inspectors travel through towns and cities conducting inspections, they are diligent to identify and inspect new establishments and to record pertinent facility data. In addition, inspectors record outlets that were in the sampling frame that do not sell tobacco products. The Synar database is updated accordingly.